

REMARKS

Claims 1-20 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite, particularly in connection with claims 1, 8 and 18. Claims 6 and 11 are objected to under 37 C.F.R. 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim, noting in particular, that the subject matter in claims 6 and 11 is inherently required by claims 1 and 8, respectively. Claims 1, 6, 7 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Japan '104 (JP 64-74104). Claims 1, 3, 4, 6, 7, 12, 14 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Great Britain '870 (GB 2239870) in view of Japan '104. Claims 2 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Great Britain '870 in view of Japan '104 further in combination with Sandstrom, et al. (U.S. 5,216,066). Additionally, claims 8-11 and 17-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of four references, namely Great Britain '870, Japan '104, further in view of Sandstrom, et al. and Europe '137 (EP 708137). Lastly, claims 5 and 16 are stated to be allowable if rewritten to overcome the rejections under 35 U.S.C. 112 and to include all of the limitations of the base claim and any intervening claims.

The Rejections Under 35 U.S.C. 112

Applicant respectfully requests that the rejection under 35 U.S.C. 112 be withdrawn in view of the amendments presented herein. In particular, claims 1-4 and 6-7, 13 and 14 are canceled. Claim 8 has been amended to include the steps of claim 11. Applicant notes the comment in the Office Action that the subject matter of claim 11 is inherently required by claim 8 and, accordingly, claim 11 does not further limit the subject matter of claim 8. Applicant submits therefore that the incorporation of the features of claim 11 into claim 8 does not further limit claim 8.

The Rejection Under 35 U.S.C. 102(b)

Applicant requests that the rejection under 35 U.S.C. 102(b) be withdrawn in view of the amendments presented herein. More particularly, claims 1, 6 and 7 are canceled. Claim 12 has been amended to depend upon amended claim 8 which has been amended to overcome its rejection under 35 U.S.C. 112.

The Rejections Under 35 U.S.C. 103(a)

In view of the amendments presented herein, claim 8 is the only independent claim remaining in this application that also stands rejected. Applicant notes that this rejection is based on the combination of four separate references. Applicant submits that such a combination of references suggests that the rejection is based on a hindsight reading of Applicant's specification. Even if not based on hindsight, the combination of these references does not result in the tread cap composition recited in claim 8. Accordingly, Applicant submits that this rejection should be withdrawn. The remaining claims, with the exception of claims 5 and 16, are all dependent on claim 8 and are believed to be allowable for the same reason as claim 8.

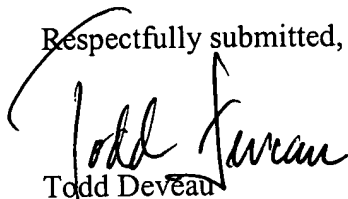
Allowable Subject Matter

Applicant thanks the Examiner for the indication that claims 5 and 16 would be allowable. Applicant has amended these two claims to place them in independent form including all the limitations of the base claim and intervening claims. Additionally, in view of the rejection of claims 1 and 6 under 35 U.S.C. 112, claim 5 has been amended to incorporate the features of claim 6 which the Examiner commented are inherently required by claim 1 and, thus, do not further limit claim 5.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that the remaining claims of this application are now in condition for allowance and such action is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Todd Deveau", is written over the typed name.

Todd Deveau

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**

100 Galleria Parkway, NW, Suite 1750
Atlanta, Georgia 30339
Phone: 770.933.9500
E-mail: todd.deveau@tkhr.com